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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,085	11/03/2003	Tze-chiang Chen	YOR920030586US1 (17201)	2805
23389 7:	590 08/20/2004		EXAM	INER
SCULLY SCO 400 GARDEN	OTT MURPHY & PI	NGUYEN, CUC	NGUYEN, CUONG QUANG	
GARDEN CITY, NY 11530			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		10/700,085	CHEN ET AL.				
		Examiner	Art Unit				
		Cuong Q Nguyen	2811				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1) Responsive	to communication(s) filed on	<b>_</b> ·					
2a) This action is	This action is <b>FINAL</b> . 2b) This action is non-final.						
•—	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in acc	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	5						
· · · · · · · · · · · · · · · · · · ·	4) Claim(s) 1-68 is/are pending in the application.						
•	<ul><li>4a) Of the above claim(s) is/are withdrawn from consideration.</li><li>5) ☐ Claim(s) is/are allowed.</li></ul>						
	S) Claim(s) is/are allowed. S) Claim(s) is/are rejected.						
	is/are objected to.						
8)⊠ Claim(s) <u>1-6</u>	8 are subject to restriction and/or	election requirement.					
Application Papers							
9)☐ The specifica	tion is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S	.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
Attachment(s)							
1) Notice of References			ew Summary (PTO-413) No(s)/Mail Date				
	n's Patent Drawing Review (PTO-948) e Statement(s) (PTO-1449 or PTO/SB/08) e		of Informal Patent Application (PT	O-152)			

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-36, drawn to a semiconductor device, classified in class 257, subclass 616.

II. Claims 37-68, drawn to a method of making a semiconductor device, classified in class 438, subclass 100+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by processes materially different from those of group II invention, for example in claim 37, introducing the hydrogen into Ge-containing donor substrate by thermal diffusion instead of implanting.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong Q Nguyen whose telephone number is (703) 308-1293.

The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Cuong Nguyen > Primary examiner August 17, 2004